IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

OP.No. 8418 of 2003(B)

PETITIONER:
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1. **T.V.SREEDHARAN S/O. P.V.KUNHAMBU,**
   AGED 49 YEARS, R/AT PLICODE VILLAGE,
   HOSDURG TALUK, KASARAGOD DISTRICT
   (HSA M.R.V.H.S.S. PADNE)

2. **N.V.VIJAYAN, AGED 51 YEARS,**
   S/O. BALAN NAIR, R/AT KODAKKAD VILLAGE
   HOSDURG TALUK, KASARAGOD DISTRICT
   (HSA M.R.V.H.S.S. PADNE)

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY THE**
   PRINCIPAL SECRETARY TO GOVERNMENT, FINANCE
   DEPARTMENT, GOVT.SECRETARIAT, THIRUVANANTHAPURAM-1

2. **DEPUTY DIRECTOR OF EDUCATION,KASARAGOD**
   VIDYA NAGAR, KASARGOD-671 123.

3. **THE DISTRICT EDUCATIONAL OFFICER,**
   KANHANGAD, LAKSHMI NAGAR, P.O.KANGHANGAD-671 315.

BY GOVERNMENT PLEADER SRI.PRAKASH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO. 14718/2003 IN OP. NO.8418/2003

DISMISSED

11.12.2006 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE AUDIT OBJECTION ISSUED BY THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE GOVERNMENT LETTER NO.32795/PRU 1/2000/FIN DT.19.7.2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P2(a):- COPY OF THE GOVERNMENT LETTER NO.633376/PRU 1/2000/FIN DT.3.11.2000 ISSUED BY THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE ORDER IN CMP. NO.8452/03 IN OP. NO.4752/03 BY THIS HONOURABLE COURT.

EXT.P4:- COPY OF THE JUDGMENT IN OP. NO.20280/01/L. DT.11.3.2002 BY THIS HONOURABLE COURT.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No.8418 OF 2003

Dated this the 11th day of December, 2006

J U D G M E N T

The date of effect of re-option is the relevant date and not the date of making the re-option is now settled by the Full Bench of this court in W.A.No.234/2004. Learned Special Government Pleader submits that the matter is now pending before the Supreme Court. Be that as it may, as far as this court is concerned, the issue has been given a quietus. Therefore, this writ petition is disposed of making it clear that there shall not be any recovery of excess pay on the objection regarding the date of option. If any amounts have been withheld the same shall also be disbursed. The needful shall be done within a period of two months from the date of production of a copy of this judgment. However, it is made clear that the judgment will be subject to the decision of the Apex court in the matter.

(KURIAN JOSEPH, JUDGE)

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KURIAN JOSEPH, J.

O.P.No.8418/2003

JUDGMENT

11th December, 2006